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News Council upholds Exxon's complaint

Exxon Corporation's grievance complaint against a segment of NBC Nightly News (October 16, 1979) titled "Dirty Oil and Dirty Air" was found warranted by the National News Council.

The segment focused on an Exxon marketing decision which cut sulphur oil shipments to Florida Power & Light and how the decision had affected air quality in Florida.

The complaint contended the segment was permeated by "factual error, the selective use of information, lack of perspective and the building of effect through innuendo." NBC, according to the final Council action statement, insisted in part that "at no time did the NBC News report suggest that Exxon's decisions were made in an irresponsible manner."

After viewing the segment, the Council said it had "received a different impression" and concluded:

"Perhaps that suggestion was unintentional. But news broadcasters (or for that matter news writers) who seek to compress complex stories are not relieved of the obligation to be reasonably fair just because time and space limitations make their task harder."

The Exxon-NBC vote was 7 concurring, 4 dissenting, 1 abstaining with dissent filed by Lawson with Huston concurring.

The News Council, in its Freedom of the Press discussions, stated it is "deeply disturbed by the official disclosure at the Central Intelligence Agency has repudiated its commitment to prohibit use of journalists affiliated with American news organizations in any of its espionage or intelligence activities."

The statement cited a policy directive issued in November 30, 1977, by the current CIA director, Admiral Stansfield Turner, that the CIA would not enter into any relationship with journalists for the purpose of conducting any intelligence activities" and forbade the agency from using "the name or facilities of any U.S. news media organization to provide cover" for its agents or actions.

The Council further noted that in testimony before the Senate Select Committee on Intelligence, Admiral Turner disclosed authorization since 1977 of a "very limited" number of waivers breaching the general ban that supposedly rules out employment of journalists among others. The Council added: "Admiral Turner has declined to specify publicly how many, if any, of these waivers have directly affected the press and the CIA has asserted in a subsequent 'clarification' of his testimony that none of the waivers was actually used. But the Carter Administration has joined the CIA in resisting inclusion in a new Congressional charter for the intelligence agency of a statutory ban embodying the prohibition now theoretically in effect by administrative order."

The News Council concluded it has always recognized the country's need for an effective Central Intelligence Agency. "But that need must not be met through practices that make inescapable a destruction of public confidence in the integrity of the press as an independent instrument of public information free from government manipulation.

"A revival of the possibility that the CIA is using journalists as gatherers of intelligence or purveyors of propaganda would not only expose all reporters in many parts of the world to personal peril but also would undermine the credibility of news in ways subversive of democracy. The CIA was right to recognize that danger in its policy directive, but it has shown itself a slack guardian in a field where no slightest deviation from strict separation of journalism and intelligence functions is thinkable. The Council urges Congress to write an unequivocal prohibition into the law establishing a projected charter for the CIA."

The vote on the formal CIA statement was: Concurring—Ghiglion, Huston, Lawson, McKay, Otwell and Pulitzer. Dissenting—Brady, Miller, Rusher. Abstaining—Cooney, Isaacs, and Roberts.

Miller, in filing a dissent, stated: "I do not want to encourage the CIA to recruit reporters or encourage reporters to be recruited by the CIA. But I am opposed to extending any invitation to any legislative body to encourage any legislation affecting the press."

The National News Council fiscal year has a shortfall of about \$40,000 in its \$320,000 budget, and executive director William B. Arthur said efforts are continuing to overcome the situation.

The problem, in part, is due to the end of the Twentieth Century Fund's final 3-year grant of \$100,000 annually. Overall since the founding of the Council the Twentieth Century Fund has granted \$600,000 to its establishment and operation. The Council was created by a Twentieth Century Fund Task Force. Another major funder is the John and Mary R. Markle Foundation.

Arthur said the Council projects that eventually 40 percent of its funding will come from the media. Presently more than 30 media organizations contribute.

Following the March sessions, Ned Schnurman, an associate director for the Council since its founding in 1973, announced his resignation to pursue interests in various aspects of public broadcasting and television. He will serve as creative director for a public television program on the press and the public. No replacement has been named as yet.